

## PROCEDURES FOR CONVEYING AN HISTORIC PRESERVATION EASEMENT TO THE VIRGINIA BOARD OF HISTORIC RESOURCES (“Board”)

*(Please note that the timeline for donation of an easement can vary, but allow 12-18 months as a general time frame as you begin your planning process)*

1. Landowner contacts easement staff at the Virginia Department of Historic Resources (“VDHR”) for information about the easement program.
2. **VDHR RECORDS SEARCH:** Staff researches property to determine its eligibility for the easement program, including:
  - a. **REGISTER STATUS:** Is the property listed on the Virginia Landmarks Register? If the property is not registered, and is a good candidate for easement protection, then staff will discuss with the landowner the nomination procedure.
  - b. **CONTRIBUTING PROPERTY:** Determine if the property is a contributing resource in a registered state historic district.
  - c. **BATTLEFIELDS:** In the case of a battlefield property, confirm that the property is a Virginia battlefield or site identified with a priority rating in one of the following reports issued by the National Park Service's American Battlefield Protection Program: “Report on the Nation's Civil War Battlefields (1993),” as amended or “Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States (2007),” as amended.
  - d. **REHABILITATION TAX CREDITS:** Check whether the property is also under consideration for rehabilitation tax credits.
3. **EASEMENT PROGRAM INFORMATION:**

Upon request, easement information packet containing the following is sent to the property owner:

  - i. Easement Application Form
  - ii. Financial incentives information
  - iii. Easement donation procedures and requirements (title search, legal description, survey, photos)
  - iv. General program information
4. **EASEMENT ACCEPTANCE COMMITTEE MEETING AGENDA:**

Once the completed Easement Application Form and supporting materials are received by staff, the easement offer is placed on the agenda for the next regularly scheduled meeting. **Note:** *Completed application forms with requested supporting documentation must be received one-week prior to meeting date.*
5. **PRELIMINARY SITE VISIT:** At staff discretion, a preliminary site visit is made to explain program with potential donor, review general terms of the easement, and view the property. Staff may take digital photographs while on site for presentation to Easement Acceptance Committee and the Board.

**6. EASEMENT ACCEPTANCE COMMITTEE REVIEW:**

The Easement Program Coordinator presents information to Committee, which determines whether or not the subject property is a good candidate for the easement program.

**7. OWNER NOTIFICATION:** Staff informs owner of decision of Easement Acceptance Committee. Written correspondence includes summary of reserved rights and restrictions that will be included in easement. Staff provides information about upcoming steps in the donation process.

**8. LETTER OF INTENT:** Landowner prepares and signs Letter of Intent. Staff provides assistance to owner on the preparation of a Letter of Intent as requested. Staff continues to provide information on the requirements and the timeframes.

**9. REVIEW STATE AND LOCAL PLANNING PROCESSES:**

- a. **COMPREHENSIVE PLAN:** Staff notifies county/locality to confirm the easement is consistent with the Comprehensive Plan
- b. **VDOT SIX-YEAR PLAN:** Staff checks to see if property is affected by VDOT six-year plan and contacts VDOT if any potential conflicts are identified.

**10. DEED AND PLAT OF SURVEY:** Staff requests a copy of ownership deed from landowner or landowner's attorney for property description and verification of legal ownership status. Inquire if property is owned by a trust or LLC. Staff requests copy of plat or survey.

**11. BOARD AGENDA:** Easement offer is added to the agenda for the next Board meeting.

**12. BOARD MEETING:** At the Board meeting, staff presents images of property with brief oral presentation describing the significance and physical characteristics of the property as well as the proposed terms of the easement. Staff presents recommendation of Easement Acceptance Committee regarding proposed easement offer.

**13. BOARD REVIEW:** Board reviews easement offer and either recommends approval or does not recommend acceptance of proposed easement. Approvals are subject to developing acceptable terms in the deed of easement.

**14. NOTIFICATION OF BOARD ACTION:** Staff informs landowner of Board action in writing.

**15. DRAFT EASEMENT:** Prepared by staff and circulated for internal and Office of the Attorney General review. Once reviews are complete, draft easement is provided to landowner and landowner's attorney.

**16. OWNER REVIEW OF DRAFT:** Easement draft is sent to owner's attorney and to owner for review.

**17. REQUEST TITLE REPORT:** Property owner must provide title report and copies of all deeds, liens, and encumbrances that impact the property to VDHR.

- 18. BASELINE DOCUMENTATION:** Staff schedules a site visit to property to obtain baseline documentation. Documentation should include generous photographic coverage of property, including general views, exteriors of all buildings on property, interior views of all principal spaces in historic buildings.
- 19. DRAFT BASELINE DOCUMENTATION REPORT TO GRANTOR:** The draft Baseline Documentation Report is sent to owner with form for grantor to fill out and sign stating that grantor agrees that the baseline documentation accurately depicts the appearance and condition of the property.
- 20. FINAL EASEMENT DRAFT PROCESSING:** Once final easement draft is approved by owner, owner's attorney, and VDHR staff, final draft is signed by owner with owner's signature notarized.
- 21. VDHR DIRECTOR SIGNATURE:** Signed easement is received from grantor (owner) and is signed by VDHR director with director's signature notarized.
- 22. RECORDING:** Original signed easement is recorded by landowner's attorney or by VDHR via UPS to the Clerk of the Circuit Court for recording in deed books.
- 23. EASEMENT DEED DISTRIBUTION:** A copy of the recorded easement deed is mailed to the grantor and to the grantor's attorney if requested by the latter.
- 24. ORIGINAL EASEMENT STORAGE:** The original recorded easement is archived in the State Archives of the Library of Virginia (LVA).
- 25. ACKNOWLEDGMENT LETTER TO OWNER:** Letter of thanks to grantor for donating the easement is prepared for director's signature.
- 26. IRS FORM:** VDHR signs IRS Form 8283 if applicable.